

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

MOUNTAIN EXPRESS OIL COMPANY, et al.,  
  
Debtors.<sup>1</sup>

Chapter 11

Case No. 23-90147 (DRJ)

(Jointly Administered)

**Related Docket Nos. 536, 701**

**DIP AGENT’S AMENDED WITNESS AND EXHIBIT LIST**

First Horizon Bank, as DIP Agent (the “Agent”) hereby submits the following *Amended Witness and Exhibit List* (the “Witness and Exhibit List”) with respect to the hearing scheduled for August 7, 2023 at 2:00 p.m. (Prevailing Central Time) (the “Hearing”) in the above-captioned bankruptcy cases (the “Cases”), pending before the Honorable David R. Jones, United States Bankruptcy Judge, 515 Rusk Street, Houston, Texas 77002.

The Agent designates the following witnesses and exhibits that may be offered at the Hearing.

**WITNESSES**

1. Michael Healy, Chief Restructuring Officer;
2. Andrew Spirito, FTI Consulting;
3. Jonathan Tibus, Alvarez & Marsal;
4. Turjo Wadud;
5. Lamar Frady;

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<sup>1</sup> A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at [www.kccllc.net/mountainexpressoil](http://www.kccllc.net/mountainexpressoil). The location of Debtor Mountain Express Oil Company’s principal place of business and the Debtors’ service address in these Chapter 11 Cases is 3650 Mansell Road, Suite 250, Alpharetta, GA 30022.

6. Any witness listed, offered, or called by any other party;
7. Any witness necessary to authenticate a document; and
8. Any witness required for rebuttal or impeachment.

**EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>	<b>Offered</b>	<b>Objection</b>	<b>Admitted</b>	<b>Disposition After Hearing</b>
A.	Debtors' Proposed Cash Collateral Budget				
B.	Debtors' DIP Reporting Packages [Confidential - Filed Under Seal]				
C.	Summary of Unpaid Administrative Expenses				
D.	Summary of Proposed Transaction				
E.	Liquidation Analysis				
F.	Comparative Analysis				
G.	Email from J. Pomerantz to J. Elrod dated June 14, 2023				
H.	Email from J. Pomerantz to J. Elrod dated June 18, 2023				
I.	August 4, 2023 Offer Letter				
J.	Auction Transcript				
K.	Any exhibits listed, designated, or offered by any other party.				
L.	Any exhibits necessary for rebuttal.				

The Agent reserves the right to modify, amend or supplement this Witness and Exhibit List at any time prior to the Hearing. The Agent reserves the right to ask the Court to take judicial notice of pleadings, orders, transcripts, and/or other documents filed in or in connection with these

Cases, and to offer rebuttal exhibits. Designation of any exhibit above does not waive any objections the Agent may have to any exhibit listed on any other party's exhibit list.

Respectfully submitted this 7th day of August, 2023.

**GREENBERG TRAURIG, LLP**

By: /s/ Shari L. Heyen  
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– and –

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**COUNSEL FOR FIRST HORIZON BANK, AS  
DIP AGENT**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties eligible to receive notice through the Court's ECF facilities by electronic mail on August 7, 2023.

/s/ John D. Elrod  
John D. Elrod